

**CITY OF FRISCO PERSONNEL POLICIES**  
**SECTION: LEAVE**

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**Subject:**       SICK LEAVE

**Effective Date:**       01/01/1997

**Approved By:**

**Revision Date:**       01/20/2010

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**I.   PURPOSE**

The purpose of this policy is to establish uniform guidelines for the accrual, use and payout of sick leave. Sick leave is paid time away from work to provide income protection for an employee who—

- i. Is unable to perform his/her job due to an illness or injury;
- ii. Must miss work to care for an immediate family member who is ill or injured; or
- iii. Needs time away from work for visits to a professional healthcare provider, for him/herself or for a family member, which cannot be reasonably scheduled outside of normal work hours.

**II.   ELIGIBILITY**

- A.** The following classifications of employees are immediately eligible to accrue sick leave:
- i. Regular full-time employees
  - ii. Regular part-time employees (designated to work at least 30 hours per week)
- B.** Other part-time, seasonal and temporary employees are ineligible to accrue or use sick leave.

**III.   ACCRUAL**

- A. *Timing.*** Sick leave accrues at the close of each of the first two (2) pay periods in a month, but will not accrue for any pay period for which the employee is not paid (e.g. on unpaid leave).
- B. *Rate.*** The rate of accrual varies according to the employee's classification as follows:

- i. Regular full-time employees: 4 hours/pay period (96 hours/year)
- ii. Regular part-time employees: 3 hours/ pay period (72 hours/year)
- iii. Fire shift personnel:
  - 1. 24-hour/27-day work cycle: 6 hours/pay period (144 hours/year)
  - 2. 96-hour/14-day work cycle: 6 hours/pay period (144 hours/year)
  - 3. 8-hour/7-day work cycle: 4 hours/pay period (96 hours/year)

**C. *Termination/transfer.*** Accrual of sick leave is unlimited until the employee is terminated or is transferred to a position which is ineligible for paid sick leave, at which point the accrual ceases and the employee's sick leave balance is paid out according to the schedule below.

**D. *Part-time to full-time.*** An employee transferring from a regular part-time position to a regular full-time position or vice versa shall retain the balance of sick leave already accrued, but shall begin to accrue sick leave at the rate applicable for the new position.

**E. *Fire personnel.*** Certified Fire personnel shall accrue sick leave according to the rate applicable to his/her regular shift assignment as indicated by the schedule above; the accrual rate changes on the effective date of a new shift assignment.

#### **IV. USAGE**

**A. *After one month.*** An eligible employee may use accrued sick leave after the completion of one (1) full month of employment.

**B. *Departmental procedures.*** To be authorized for leave under this policy, an employee must notify the appropriate supervisor according to the procedures adopted by his/her department.

- i. Each department shall establish and communicate to employees procedures for scheduling/reporting the use of sick leave for both foreseeable and unplanned absences.
- ii. With respect to this policy, an unplanned absence is one that was not scheduled and approved by the employee's supervisor prior to the day of the absence.

**C. *Unplanned absence.*** In the event that an employee must miss work due to an unexpected illness/injury, s/he should notify the designated supervisor

prior to the start of the shift (or as soon as is reasonably possible) and according to the notification procedures adopted by the department.

- D. **Foreseeable absence.** If an absence is foreseeable, such as a doctor's appointment, the employee has an obligation to schedule it so as to not unduly disrupt departmental operations and to give supervisors as much advance notice and flexibility in scheduling as possible.
- E. **Failure to comply.** An employee who fails to comply with departmental procedures for the notification and scheduling of sick leave may be denied paid sick leave and subject to disciplinary action up to and including termination of employment. An employee on sick leave found to be engaged in activities in direct conflict with the purpose of this policy, including outside employment or self-employment, may be denied compensation for the leave and subject to disciplinary action up to and including termination of employment.
- F. **Time keeping.** Use of sick leave will be recorded on the same basis as time worked and subject to a daily limit corresponding to the number of hours the employee is regularly scheduled to work.
- G. **More than 3 days.** In the event that an employee will be or has been absent for *more* than three (3) consecutive work days for reasons covered under this policy, s/he should contact the Human Resources Department as soon as possible to determine whether the absence should be designated as a leave under the Family and Medical Leave Act (FMLA).
  - i. Supervisors are also responsible for notifying the Human Resources Department of any leave of absence exceeding three (3) consecutive work days or that might otherwise qualify for FMLA leave.
  - ii. An employee who will be absent for more than three (3) consecutive work days shall notify the designated supervisor of his/her expected return-to-work date as soon as is reasonably possible and prior to the date of return.
- H. **Illness on vacation.** An employee who becomes ill or who is injured while on vacation leave may request that the vacation leave be terminated and the illness or injury time be converted to sick leave, if available.
- I. **Absenteeism or misuse.** While sick leave is intended to be a form of income protection, it does not provide job protection, except when used in conjunction with FMLA leave.

- i. An employee who is habitually absent from work for any reason, other than for an authorized leave of absence under the FMLA or workers' compensation, may be subject to disciplinary action and/or loss of employment.
- ii. The department director shall determine what constitutes excessive absenteeism on a case-by-case basis, taking into account the reasons for the absences and the degree to which they disrupt departmental operations.
- iii. What constitutes excessive absenteeism for an employee in one job classification may be different than for an employee in another job classification.

**J. *Family member.*** Under this policy, an immediate family member is the employee's father, mother, sibling, spouse or child/stepchild. In the event of a life-threatening illness or injury of an employee's family member who does not meet the definition of "immediate family," the department director may allow the employee limited use sick leave as s/he deems reasonable under the circumstances.

## **V. LEAVE SUBSTITUTION**

**A. *FMLA.*** Time away on sick leave due to an event that qualifies for leave under the Family and Medical Leave Act (FMLA) will be deducted from both the employee's sick leave balance and his/her balance of available FMLA leave. The employee may also be required to use other paid leave if s/he does not have enough sick leave to cover the FMLA absence.

**B. *Non-FMLA.*** An employee lacking enough accrued sick leave to cover an absence under this policy which is *not* subject to the FMLA, may request to substitute other paid leave or to be placed on a leave-without-pay status. The substitution of other paid leave is not automatic.

- i. Any leave substitution must be approved by the department director or designee, who will consider whether to—
  - 1. Approve the use of other paid leave;
  - 2. Authorize a leave without pay; or
  - 3. Take other administrative action to mitigate the negative impact of the employee's absence(s).

ii. Approved paid leave substitutions shall be subject to the following order:

1. Vacation leave
2. Holiday leave
3. Compensatory time

**C. *FLSA.*** The provisions of this policy apply to employees whether classified as exempt or nonexempt from the minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA), in accordance with the rule found at 29 CFR Part 541.710 and pursuant to the City of Frisco's general policy of public accountability. All employees shall account for any absences subject to the application of this policy according to the manner described herein.

- i. Exempt employees should substitute paid leave or leave without pay for any absence which causes hours worked to be less than eighty (80) in a pay period.
- ii. Nonexempt employees must substitute paid leave or leave without pay for any absence which causes hours worked to be less than normally scheduled for any designated work period, which is generally 40 hours in a seven-day work period.

**D. *Donations.*** Employees who have exhausted all paid leave and face the possibility of a leave of absence without pay due to an illness/injury may request donations of leave from other employees under the City's Donation of Leave policy.

## **VI. DOCUMENTATION**

**A. *Return-to-work release.*** An employee returning from a sick leave absence for his/her own illness/injury in excess of three (3) consecutive work days will be required to submit a return-to-work release from the employee's doctor indicating that the employee has fully recovered from his/her recent illness/injury is released to full duty. The employee may also be required to take a physical ability test if such a test is normally required for placement in the job. Both the return-to-work release and a passing score on the physical ability test (if required) must be submitted to the Human Resources Department before the employee may resume regular work duties.

**B. *Proof of Illness/Injury.*** A department director may, at his/her discretion, require satisfactory proof of illness/injury if s/he suspects fraud or misuse of leave for absences not authorized under the Family and Medical Leave Act (FMLA) or workers' compensation leave. Departmental requests for medical

documentation to support the use of sick leave shall be processed by the Human Resources Department. Employees are encouraged to request and retain evidence of health care office visits/treatment related to sick leave absences in the event that absenteeism or apparent misuse of sick leave becomes a matter for investigation and/or disciplinary action.

- C. *For FMLA or Workers' Compensation.*** For absences authorized under FMLA or workers' compensation, the Human Resources Department will request documentation to support the need for absence and/or the return to work. All such requests will be made in accordance with applicable laws and regulations.

## **VII. PAYOUT OF UNUSED SICK LEAVE**

- A. *After one year.*** Employees who have completed one (1) full year of employment with the City are entitled to a payout of accrued sick leave upon termination of employment or upon transfer to a job classification ineligible for sick leave accrual. Payout shall be made—

- i. In the employee's final paycheck or in the last paycheck reflecting the employee's status as an employee eligible to accrue sick leave; and
- ii. On the basis of the employee's hourly rate of base pay in force immediately preceding the termination or transfer and shall include any leave accrued for that pay period.

- B. *Payout limits.*** Payout of sick leave accrual to employees vacating full-time or part-time positions shall be limited according to the following schedule:

- i. Regular full- or part-time employees: 240 hours
- ii. Fire shift personnel:
  1. 24-hour/27-day work cycle: 360 hours
  2. 96-hour/14-day work cycle: 360 hours
  3. 8-hour/7-day work cycle: 240 hours

## **VIII. DISCLAIMER**

The City of Frisco reserves the right to modify, alter, delete, suspend or discontinue all or any part of this policy at any time, with or without prior notice to employees; nothing in this policy constitutes a contract, implied or express.